



US serial No.10/724,178
Applicant's docket No. Oddy 007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of the Application of •
Stephen Michnick et al. •
Serial Number: 10/724,178 •
Filed: December 1, 2003 •
For: FRAGMENTS OF FLUORESCENT •
PROTEINS FOR PROTEIN FRAGMENT
COMPLEMENTATION ASSAYS •

Group Art Unit: 1631
Examiner: John S. Brusca

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, Stephen William Watson Michnick, hereby declare and state the following:

1. I am one of the co-inventors of the above-cited application.
2. I, along with my co-inventors Marnie L. MacDonald and Jane Lamerdin, were involved in the conception of the presently claimed invention.
3. I am also the sole inventor of the subject matter commonly claimed between the instant application and the co-pending applications or issued patents discussed below.
4. I am aware that there is a publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely co-pending U.S. Patent Application No. 10/353,090 ("the '090 application") published as

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U.S. Patent Application 2004/0038298 A1, on February 6, 2004.

5. The inventors listed on this '090 application are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

6. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '090 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '090 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

7. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely co-pending U.S. Patent Application No. 10/154,758 ("the '758 application") now published as U.S. Patent Application 2003/0049688 A1, on March 13, 2003.

8. The inventors listed on this '758 application are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

9. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '758 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '758 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

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10. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 09/603,885 ("the '885 application"), was filed on June 26, 2000.

11. The inventors listed on this '885 application are Stephen William Watson Michnick, Joelle Nina Pelletier, Andreas Pluckthun and Katja Arndt.

12. I believe that Joelle Nina Pelletier, Andreas Pluckthun and Katja Arndt listed as co-inventors on the '885 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '885 application, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

13. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,428,951 ("the '951 patent"), issued on August 6, 2002.

14. The inventors listed on the '951 patent are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

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15. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '951 patent, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '951 patent, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

16. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,294,330 ("the '330 patent"), issued on September 25, 2001.

17. The inventors listed on the '330 patent are Stephen William Watson Michnick, and Ingrid Remy.

18. I believe that Ingrid Remy, listed as a co-inventor on the '330 patent, is properly not named as a co-inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '330 patent, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

19. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,270,964 ("the '951 patent"), issued on August 7, 2001.

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20. The inventors listed on the '964 patent are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

21. I believe that Joelle Nina Pelletier and Ingrid Remy, listed as co-inventors on the '964 patent, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '964 patent, those aspects represent inventions conceived solely by myself, Marnie MacDonald and/or Jane Lamerdin.

27. I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both and under Section 1001 of title 18 of the United States Code.

6 December, 2005.
DATE


STEPHEN WILLIAM WATSON MICHNICK